



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

HB 2707: probation failure reduction incentive payments

Sponsor: Representative Kaiser, LD 15
Committee on Criminal Justice Reform

Overview

Establishes probation failure reduction incentive payments (Payments).

History

The presiding judge of each county superior court appoints the chief adult probation officer who is responsible for hiring deputy adult probation officers to provide presentence investigations and supervision services for the court ([A.R.S. § 12-251](#)). The adult probation officers are responsible for filing records and writing reports of individuals under a suspended sentence, according to court-imposed conditions. They also supervise and observe people under a suspended sentence, among other monitoring and enforcement duties ([A.R.S. § 12-253](#)).

Through the Administrative Office of the Courts, the Supreme Court administers state aid for probation services ([A.R.S. § 12-261](#)). State aid is granted to counties which submit plans to the Supreme Court to either improve, maintain or expand juvenile probation services or achieve or maintain the average adult probation supervision requirements ([A.R.S. § 12-262](#)). While state aid funds may be used to pay the salaries of probation officers, they may not be used to increase current salaries ([A.R.S. § 12-265](#)).

Provisions

1. Creates Payments, calculated by the Administrative Office of the Courts for each county, equal to the estimated number of probationers prevented from returning to prison compared to the county-specific historical baseline, multiplied by 45% of the marginal cost of incarceration. (Sec. 1)
2. Specifies that each county must use its Payments to improve supervision and rehabilitation of probationers. (Sec. 1)
3. Prohibits the state or any county from supplanting appropriations for adult probation with Payments. (Sec. 1)
4. Directs each county to distribute Payments by sending, within 30 days of deposit:
 - a) 60% to the county's adult probation department for evidence-based practices;
 - b) 25% to the county's adult probation department for performance-based financial bonuses for probation officers; and
 - c) 15% retained by the county for administrative and data collection. (Sec. 1)
5. Requires the director of the Department of Corrections to calculate the marginal cost of incarceration and provide it to the Administrative Office of the Courts. (Sec. 1)
6. Instructs the Administrative Office of the Courts to report, using collected data or best available estimates using a consistent methodology, at the end of each calendar year:
 - a) The probation failure rate for each county;

- b) An estimate of the number of probationers prevented from returning to prison for each county; and
 - c) An accounting of the population of probationers per county for the previous three years. (Sec. 1)
- 7. Authorizes an annual report from the Administrative Office of the Courts to the Governor and Legislature on the implementation of the Payments, beginning at latest July 1, 2023. (Sec. 1)
 - 8. Defines *baseline probation failure rate, evidence-based practices, marginal cost of incarceration, probation programming and returning to prison*. (Sec. 1)
 - 9. Contains a delayed effective date of January 1, 2022. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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